

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In The Matter Of:	)	
	)	
Creation Of A	)	FCC Docket No. RM-11287
Low Power AM Radio Service	)	

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REPLY COMMENTS OF  
DON SCHELLHARDT, ESQUIRE  
*TO*  
WRITTEN COMMENTS OF ARSO RADIO CORPORATION,  
NEW WORLD BROADCASTING, INC.  
AND  
MINORITY BROADCASTERS, INC.

I am one of the signatories of the August 2005 Petition For Rulemaking to establish a new Low Power AM (LPAM) Radio Service. This Petition led to the Commission's initiation of Docket RM-11287.

Along with Nickolaus and Judith Leggett, I was also one of the signatories of the July 1999 Petition For Rulemaking that led to the Commission's first deliberations, in Docket RM-9208, regarding the Low Power *FM* Radio Service that is now established.

I am filing these Reply Comments to the Written Comments of ARSO RADIO CORPORATION, as well as the virtually identical Written Comments of NEW WORLD BROADCASTING, INC. and MINORITY BROADCASTERS, INC. All 3 documents were filed by Anthony T. Lepore, Esquire, P.A., on behalf of the indicated entities.

With respect to all 3 of these filings, I make the following 5 points:

1. All 3 filings express strong concerns about possible interference from new

LPAM stations *at the same time* that they endorse, as a supposed forward step for AM broadcasting, the In Band On Channel (IBOC) version of Digital Radio.

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As the Commission is well aware, IBOC is already notorious for the interference

it is causing on the AM Band -- with signals from small AM stations generally being “stepped on” by signals from large AM stations.

How can the expressed concerns about alleged interference from tiny LPAM stations be taken seriously when the very same Written Comments applaud IBOC Digital Radio technology that generates much more disruptive interference??

2. As a related point, I remind the Commission of all the concerns that established broadcasters once expressed, not so long so, about alleged interference from Low Power *FM* radio stations. Those concerns about interference from LPFM stations were found to be groundless by the Commission’s own engineers, but that didn’t stop established broadcasters from making the claims. Finally, the independent authors of the MITRE Corporation’s study backed up the FCC’s engineers and laid the claims of ruinous interference to rest. Having said “the sky is falling” once, in the case of LPFM, and having then been proven wrong, established broadcasters now deserve a skeptical response when they say the sky will fall as a result of LPAM.

3. The Written Comments by ARSO and others fail to acknowledge the efforts that the authors of the LPAM Petition have made in attempting to *assure* that no disruptive interference will result from licensing LPAM

stations. I do not claim that our proposed protective measures are flawless, but I will say that they reflect a sincere and rather intensive effort to address any possible interference problems. I, for one, am open to any counterproposals on interference protection that are made in good faith -- and I believe I speak for most of my fellow Petitioners, if not all of them, when I make this statement. However, ARSO and its friends do not even *try* to address the prevention of possible interference problems in a constructive fashion. Their Written Comments ignore completely the Petitioners' efforts to address possible interference problems and appear to assume, without ever saying why, that the only "solution" to possible interference is giving up before the problem-solving process even begins. This is not the sort of thinking that built America into a great world power.

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4. ARSO and its friends assert that the proposed LPAM Service is designed to be used by "pirates". Unless ARSO and its friends are re-defining "pirate" to mean "everyday American, of a type whose voice is rarely heard today", I fail to follow ARSO's reasoning.

In general media parlance, a "pirate" is one who broadcasts illegally. However, the LPAM Petitioners are proposing *legal and licensed* operations. Most of the aspiring LPAM broadcasters I know are Part 15 AM operators -- which is a fully legal activity -- and the aspiring LPAM broadcasters who are *not* Part 15ers are not On Air at all.

Although I could not have said this about all of the aspiring Low Power *FM* broadcasters I knew in 1998 and 1999, I can swear under oath -- if necessary -- that

I do not know a single aspiring Low Power *AM* broadcaster who is broadcasting illegally. Having known both, very well, I can say that the first wave of LPAMers are "a different breed of cat" from the first wave of

LPFMers. At the risk of making generalities, the first wave of LPAMers are more individualistic, more entrepreneurial, more law-abiding and more conservative in most ways than the early LPFMers.

Even if they *weren't* more conservative than the first wave of LPFMers, the coming LPAM licensees will still be *licensees* -- subject to the Commission's licensing conditions and post-license oversight. I don't know where ARSO and its friends have acquired the idea that the LPAM Petitioners expect LPAM station operators to be free from monitoring or other forms of accountability, but the truth is that aspiring LPAM broadcasters are neither expecting nor requesting "a blank check" from regulators.

Finally, I am amazed to see a group called MINORITY BROADCASTERS, INC. filing in opposition to LPAM.

5. Perhaps the most compelling reason for the FCC to proceed with LPAM is the fact that there is no room on the FM Band, literally or virtually, for Low Power Radio stations in most of our large metropolitan areas.

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Given modern American demographics, which document continuation of the historic tendency for various racial and/or ethnic minority groups to concentrate in urban areas, it is clear that minority neighborhoods and communities are disproportionately affected by the absence of a meaningful presence for urban Low Power Radio. By the same measure, minority neighborhoods and communities will *benefit disproportionately* if Low Power Radio can be brought to our major cities by opening up the AM Band.

The new Low Power AM Radio Service, once given a chance to establish itself and grow -- especially in the crowded urban areas where Low Power FM cannot go -- will become a “training ground” for new legions of minority broadcasters. LPAM stations, particularly if they are allowed to air commercials, will make it *easier* for members of racial and/or ethnic minority groups to move into the radio and broadcasting industry. They will be able to prepare for the industry right in their own neighborhoods!

For the reasons set forth herein, I urge the Commission to disregard the criticisms I have mentioned -- or at least pursue *constructive responses* to those criticisms. Expeditious establishment of a Low Power AM Radio will serve the public interest, *including* the interest of upwardly mobile minority broadcasters of the future.

Respectfully submitted,

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I hereby certify that I have sent a copy of these Reply Comments to the following person:

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November 10, 2005  
Schellhardt, Esquire

Donald J.